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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/057,313 04/08/98 MCCOWN

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033449-002

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EXAMINER

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ART UNIT	PAPER NUMBER
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3652

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DATE MAILED: 12/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action SummaryApplication No.
09/057,313Applicant(s)
McCown et alExaminer
Steven B. McAllisterGroup Art Unit
3652☒ Responsive to communication(s) filed on Nov 20, 2000☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims☒ Claim(s) 16-19 and 21-28 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.☒ Claim(s) 16-19 and 21-28 is/are rejected.☐ Claim(s) _____ is/are objected to.☐ Claims _____ are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on _____ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.☐ received in Application No. (Series Code/Serial Number) _____.☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3652

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 11/20/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/057,313 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-19, 22, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeman.

Freeman inherently discloses selecting containers suited to a marine environment since it discloses shipping palletized packaged sugar on a barge (col. 1, lines 26-27). He discloses individually lifting of those containers (col. 1, lines 28-30) transporting them with the forklift onto a ship and stacking them there (col. 1, lines 28-30). This operation discloses positioning and securing via gravity to the deck or another container of sugar. Freeman also shows using a ramp to move a forklift to and from a ship (see Fig. 3).

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As to claim 22, Freeman inherently discloses selecting containers suited to a marine environment since it discloses shipping palletized packaged sugar on a barge (col. 1, lines 26-27). He discloses individually lifting of the containers (col. 1, lines 31-32) since the transport vehicles are forklifts and he discloses transporting them with the forklift from the ship and stacking them the dock in a warehouse (col. 1, lines 31-32). This operation discloses positioning and securing via gravity to the deck or another container of sugar. Freeman also shows using a ramp to move a forklift to and from a ship (see Fig. 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17-19, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Backteman et al.

Freeman discloses all elements of the claims except the use of twistlocks. Backteman et al discloses the use of twistlocks. It would have been obvious to one of ordinary skill in the art to modify the method of Freeman by using twistlocks as taught by Backteman et al in order to more securely hold down the containers.

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As to claims 24 and 25, Freeman additionally discloses offloading the ship with a reach stacker comprising a forklift (col. 1, lines 31-32) and towing to the destination site (col. 2, line 24).

As to claim 21, as broadly claimed Freeman discloses reach stacker vehicles (the forklifts).

As to claim 26, it is noted that in loading a ship it is inherent that the forklift release the container or one forklift would be required for each container.

6.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Teubert.

Freeman discloses all elements of the claim except securing the ramp to a longitudinal rail on the ship. Teubert discloses securing ramp J to the longitudinal rail seen in Figs. 1 and 2. It would have been obvious to one of ordinary skill in the art to modify Freeman by securing the ramp to a longitudinal rail in order to make the ramp's connection more stable and avoid accidents with the forklifts.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Charles.

Freeman discloses all elements of the claim except grasping the container. Charles shows a gripping device gripping container 18. It would have been obvious to one of ordinary skill in the art to modify the method of Freeman by using the vehicle with a gripping device discloses in Charles in order to prevent accidents while going over the ramp or over bumps in general.

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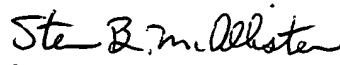
Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.


Steven B. McAllister

November 30, 2000

 12/4/00
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600